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COMMISSION ON HUMAN RIGHTS

Fiftieth session

SUMMARY RECORD OF THE 45th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 28 February 1994, at 7 p.m.

Chairman: Mr. van WULFFTEN PALTHE (Netherlands)

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The meeting was called to order at 7.15 p.m.

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION:

(a) ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS;

(b) NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS;

(c) COORDINATING ROLE OF THE CENTRE FOR HUMAN RIGHTS WITHIN THE UNITED NATIONS BODIES AND MACHINERY DEALING WITH THE PROMOTION AND PROTECTION OF HUMAN RIGHTS;

(d) HUMAN RIGHTS, MASS EXODUSES AND DISPLACED PERSONS;

(e) INTERNATIONAL YEAR OF THE FAMILY

(agenda item 11) (continued) (E/CN.4/1994/34-38, 39 and Corr.1, 40-42, 43 and Add.1, 44 and Add.1, 45 and 74; E/CN.4/1994/NGO/2-4; A/48/579)

ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS (agenda item 19) (continued) (E/CN.4/1994/73/Add.1, 75, 76 and Add.1, 77 and Add.1, 78 and Add.1 and 109; A/CONF.157/23)

1. Ms. BECK (World Movement of Mothers) reminded the Commission that her organization had mooted the idea of an International Year of the Family since 1983, since it saw the family as the essential basis of all societies and as the means by which the ethical, social, cultural, spiritual and religious values of every civilization were transmitted.

2. She set out the six factors which the World Movement of Mothers considered necessary for the achievement of a harmonious family life. First, a recognition of the proper functions of a man and a women within a legal marriage; secondly, the establishment - with the backing of world opinion - of a minimum existence income; then the introduction of a parental - or rather a maternal - salary, which would recognize the work mothers undertook and at the same time would be more economical for the State; child benefit to be paid for all children; the protection of the dignity of both men and women; and a recognition of a child's life from the moment of conception, along with the obligation to assist mothers and families in difficulty.

3. Although an American researcher had claimed to have recorded 26 different forms of the family, her organization believed - despite the often difficult and painful situations that could arise - that every encouragement should be given to promoting the traditional form of the family. There was nothing shameful in that concept; on the contrary, it represented the best hope for the happiness and fruitful development of those who grew up in it.

4. Ms. PARKER (International Educational Development, Inc.), after welcoming the appointment of a Representative of the Secretary-General on internally displaced persons and the Representative's report on Sri Lanka

(E/CN.4/1994/Add.1), with which her organization largely agreed, drew attention to a situation that had gone almost unnoticed for nearly 50 years: the forced removal in the Second World War of Latin Americans of Japanese origin to camps in the United States. Between 1942 and 1945 the United States had carried out the forced deportation of 2,264 men, women and children of Japanese ancestry from 14 Latin American countries, 80 per cent of them from Peru. Most had been transported to camps in Texas, while others had been interned in Panama, where they were forced to perform hard labour. Over 500 had been "exchanged" for American prisoners of war, in violation of the then existing international standards. After the war over 900 of the remaining Peruvians had been deported to Japan and 100 to Peru. Those remaining in the United States had fought for nearly 10 years against their "illegal" status. They had for many years unsuccessfully sought compensation and an apology from the United States.

5. Ms. BENSON (International Educational Development, Inc.) said that displacement of civilians by the State Law and Order Restoration Council (SLORC) in Myanmar was probably more serious than anywhere else in the world. Indeed, it was a situation of genocide. Hundreds of thousands had been displaced in SLORC's efforts to destroy the territories of the ethnic nationalities, but those displaced could not receive outside aid because SLORC, in contravention of the Geneva Conventions, was prohibiting the free movement of humanitarian aid. Civilians were terrorized into submission. The Karen, Mon and Karenni people were being used as slaves to carry SLORC supplies and to clear forests. Displacement had also occurred because of a planned oil and gas pipeline through the territories of the ethnic nationalities and there were plans to dam the Salveen river, which would displace many Karen and Karenni villages, destroy the ecology of the area and dry up the water resources in the lower delta area. Despite recent SLORC announcements of peace initiatives, no talks had been held. Her organization had provided extensive documentation on the matter to the Centre for Human Rights.

6. Ms. HARBURY (International Educational Development, Inc.), speaking under agenda item 19, said that she was the wife of Efrain Bamaca Velasquez, also known as Comandante Everardo of the Unidad Revolucionaria Nacional Guatemalteca (URNG), who the Government of Guatemala claimed had died in combat in 1992. She said that he and at least 35 prisoners of war were still in secret detention and being tortured by the Guatemalan army.

7. In late 1992 another combatant of URNG, Mr. Cabrera Lopez, had escaped from a military base where he had been detained and tortured as part of a programme to break prisoners of war. He had seen Comandante Everardo on many occasions between March and July 1992 - after he was supposed to have been killed - undergoing intensive interrogation and physical torture. In July 1993 she had been able to see the autopsy report on the corpse claimed by the Government to be that of her husband. The report described a man in no way resembling her husband. On 17 August she had viewed the corpse, in the presence of the forensic doctor who had performed the autopsy, and was easily able to see that it was not her husband. What had happened was that the Guatemalan army had captured her husband alive, but to conceal that fact it had brought a different prisoner to the combat site, had beaten him to death there and had then announced the "discovery" of her husband's body.

8. Ms. PARKER (International Educational Development, Inc.) welcomed the fact that the Inter-American Commission on Human Rights of the Organization of American States had taken seriously the case quoted, and those of other prisoners of war, with regard to violations of their rights. She was dismayed, however, that in the report (E/CN.4/1994/10, pp. 12-14) the Expert did not evaluate compliance with humanitarian standards by either party to the conflict, but merely recited the Government's preposterous view that the rules did not apply in Guatemala because the Government did not recognize the "belligerency" of the URNG. The Expert seemed not to have visited government-held prisoners of war.

9. The Commission should authorize an investigation into the situation of prisoners of war held by both parties in Guatemala and analyse their compliance with other humanitarian norms in the conflict, under the mandate of gross violations. Failure to do so would be a purely political decision.

10. Mr. CUENOD (Refugee Policy Group), speaking on agenda item 11, said that United Nations human rights bodies had an important contribution to make to the protection of internally displaced persons. While they could not serve as a substitute for the protection that should be provided by humanitarian agencies, human rights bodies should form part of a more integrated approach that included attention to human rights protection and conflict resolution.

11. The appointment by the Secretary-General, at the Commission's request, of a Representative on internally displaced persons marked a potentially important milestone: potentially, because to carry out his mandate effectively he would need strong institutional backup from both within and outside the United Nations system. Additional resources would be needed for the systematic collection of information leading to the creation of an information centre, where the protection needs of internally displaced persons could be identified; extensive on-site visits to learn the conditions of internally displaced populations at first hand; and the deployment of human rights staff to the field to ascertain the protection needs of internally displaced persons and to recommend measures to meet those needs.

12. There was also a need for diplomatic intercession and dialogue, whether in the form of queries to Governments about the status of internally displaced persons, more structured dialogue with Governments or protests when dialogue failed to produce constructive results. Resources should also be supplied to enable the Representative to write reports on the countries concerned. To that end, close ties should be forged with regional bodies, in particular the Inter-American Commission on Human Rights, the African Commission on Human and Peoples' Rights and the Conference on Security and Cooperation in Europe, to stimulate their involvement in enhancing protection for the internally displaced. Support should also be sought from grass-roots organizations and from the international legal community, which could help to identify the gaps in human rights and humanitarian law and decide whether new standards were needed.

13. Mr. FORSTER (International Work Group on Indigenous Affairs) said that the International Work Group was particularly concerned about the fact that the Government of Papua New Guinea had not responded to the resolution from the Commission's forty-ninth session (E/CN.4/1993/76), nor to correspondence

from the Secretary-General, nor to communications from either United Nations bodies or from non-partisan organizations concerned with human rights. Meanwhile the detention and torture of the civilian population was continuing. It was an unwinnable war, unless destroying the human rights of civilians could be called a victory. The Government would not take the necessary action to end the war; it seemed merely amused by the pleas from the Bougainvillians for a cease-fire and negotiations and by the concern of the international community for the thousands of people being murdered in the name of Papua New Guinea's sovereign rights.

14. The CHAIRMAN, pointing out that the speaker's remarks were not related to the agenda item under discussion, said that it was inappropriate for him to continue.

15. Ms. PAL (All India Women's Conference) said that hers was one of the premier voluntary organizations in India, with 500 branches and a membership of nearly one million. Since 1927 it had been championing the cause of women's rights and in 1946 it had drawn up a Charter of rights for women, elements of which were reflected in the Indian Constitution. The effort over the past five decades had been to create a framework which protected the fundamental rights of Indian women to eliminate centuries of religious and social prejudice.

16. The Conference had also played an active role in the region and welcomed the impressive strides taken by women in some countries, notably Sri Lanka and Bangladesh. It was concerned, however, about the deteriorating environment for women in Pakistan, where the Constitution failed to uphold the basic human rights, status and dignity of women.

17. After a century of fighting age-old social customs and prejudices, women faced the new threat of fundamentalism, which pushed women backward in the name of religion. Women and children had been attacked and exploited by terrorists; women had been abducted, raped and killed, and in some cases they had been used as human shields in pursuit of political and military goals. Her organization called on all Governments to implement the Convention on the Elimination of All Forms of Discrimination against Women and urged the international community to address the serious threat to the plight of women posed by fundamentalist-inspired terrorism.

18. Ms. PANDIT (All India Women's Conference) said that until she had been forced away from her homeland in September 1990 she had been an eyewitness to the atrocities carried out by terrorists, fundamentalists and mercenaries from across the border. She had been a professor at the Government College for Women, Srinagar. Over the past five years the gun-culture had started to move into Jammu and Kashmir State from across the border and the Hindu minority had begun to be forced out of the Kashmir Valley. Zealots and fundamentalists had massacred, tortured and raped, all in the name of "Freedom of Kashmir". All cultural, sporting and academic activities in her College had been stopped at the dictate of fundamentalists, who wanted to annihilate the secular and democratic fabric of life in the State.

19. She quoted several instances of people known to her who had been killed with the aim of terrorizing - and virtually exterminating - the Hindu minority in the Kashmir Valley because it did not subscribe to communalism and fundamentalism. Yet international human rights organizations such as Amnesty International and Asia Watch had maintained almost complete silence on such atrocities. Kashmiri Hindu women and families in virtual exile in their own country demanded that all national and international organizations should take note of the serious human rights violations at the hands of terrorists in Kashmir. They also strongly appealed to human rights organizations in Jammu and Kashmir and the Central Government of India to ensure that the genocide of the Kashmiri Hindu minority was stopped. With more than 5,000 years of history behind it, her community was fighting a grim battle to save itself from extinction, ironically in the name of "self-determination" and what was called "Kashmiryat".

20. Ms. RAS-WORK (Inter-African Committee on Traditional Practices Affecting the Health of Women and Children) said that social attitudes, prejudices and stereotypes hampered the normal physical and mental development of millions of women. Practices and rituals which negatively affected their health were maintained in the name of tradition and custom. For an African female child the prospects were particularly bad: as a rule, she would be born to a young, undernourished mother, would be received at birth with discriminatory rituals and would undergo genital mutilation. As she grew up she would have to assume household chores, with little in the way of education, health care or nutrition; employment and ownership of property could not be ensured and marriage would be her sole guarantee for social security.

21. The epitome of that reality was the practice of female genital mutilation. The act itself and the manner in which it was carried out violated the basic human right to health and life. No cultural or religious tradition could justify such a practice, which affected the lives of 80 million women.

22. The Commission had taken an important step forward by appointing a Special Rapporteur to study the phenomenon of traditional practices affecting the health of women and children. Her subsequent report (E/CN.4/Sub.2/1991/6) had shown up the gravity not only of the problem of genital mutilation, but also the effects of the preference for a male child. Her conclusions had been supported by the findings of the seminar organized by the Centre for Human Rights in Burkina Faso in April-May 1991 and the practical proposals put forward merited the Commission's attention for a serious effort to ensure their implementation.

23. Another seminar, due to take place in Colombo, Sri Lanka, in May 1994, would in all likelihood show the extent of the problem in that region of the world also. Urgent action had to be taken to free women from such inhuman and degrading treatment as genital mutilation and her Committee urged the Commission to make every endeavour to protect the basic and inalienable rights of women.

24. In Africa, non-governmental organizations had established an inter-African network through which programmes of education and information were transmitted. The target groups to be reached were women, opinion leaders

and religious leaders, youth, health workers and policy makers. With very limited means, those indigenous organizations were endeavouring to free women and children from unnecessary human suffering. But such local efforts needed to be strengthened with support from Governments and relevant United Nations agencies. A concerted and coordinated effort on the part of the Centre for Human Rights, the World Health Organization, the United Nations Children's Fund (UNICEF) and the United Nations Educational, Scientific and Cultural Organization (UNESCO) could certainly produce positive results. Her organization called for such concerted efforts to be made without delay. It also urged Governments to adopt clear-cut policies with a view to eradicating harmful traditional practices. To that end, ratification of the Convention on the Rights of the Child and its observance, and also the rigorous application of the Convention on the Elimination of All Forms of Discrimination against Women were actions to be taken by Governments. The principle that women's rights were human rights was now universally accepted; but mechanisms must be established to put those principles into practice, thereby saving women from discriminatory practices such as genital mutilation.

25. Mr. QADIR (World Muslim Congress) said that agenda item 11 was probably the most important with which the Commission had to deal. It was thus essential that the concerns recently voiced at the World Conference on Human Rights should be translated into concrete actions. In that connection, he wished to draw attention to the unconscionable neglect of the grave human rights situation in Indian-occupied Jammu and Kashmir.

26. One of the most important elements of the notion of human rights was democracy, a system of values guaranteeing all rights, including the rights of self-determination, freedom of speech, and the rights to equality and equal opportunities. As a Kashmiri, he knew that those rights had been denied to his people for the past 45 years. Yet the response of the international community to the plight of the Kashmiri people had been miserably inadequate. The role of the United Nations in promoting human rights and fundamental freedoms must be strengthened, keeping in mind two basic principles: first, justice must be done in every nation in which the strong tried to usurp the rights of the oppressed; secondly, the social, political and economic well-being of those who suffered at the hands of the powerful must be improved. His organization thus recommended that the Commission should adopt a number of procedures for investigating human rights violations in cases such as that of Kashmir.

27. First, under the current system, the Commission was not empowered to investigate human rights violations until it had been requested to do so by a majority of its members. That procedure had failed in cases where powerful countries were involved in human rights violations. Secondly, while many countries, bowing to international pressure, had established their own human rights bodies, those bodies lacked the authority to take effective action. An outstanding example was the case of Kashmir, where reports by Indian human rights organizations had gone unheeded.

28. Mrs. SABHARWAL (India), speaking on a point of order, said that references to country situations were not admissible under agenda item 11. The speaker was clearly in breach of rule 43 (2) of the rules of procedure. Furthermore, the debates of the forty-ninth session of the Commission had established a precedent in that regard.

29. The CHAIRMAN said that he saw no difficulty regarding a reference to a country situation, provided it related to the agenda item under consideration. He requested the speaker to stay within the limits of agenda item 11.

30. Mr. OADIR (World Muslim Congress) said that the Commission should be powerful enough to investigate human rights violations in any country, and that no country should have the right to prevent it from conducting fact-finding missions. He proposed that regional offices of the Commission should be set up in every continent, to monitor human rights in the region and report back to headquarters. Finally, the proposals for the prevention of human rights violations contained in the reports submitted by the Commission on Human Rights to the General Assembly should be binding on all countries.

31. Mr. ADOSSAMA (World Association for the School as an Instrument of Peace) said that democracy was the natural framework for the exercise of human rights, and that States must attach greater importance to the role of education, and of teachers, in disseminating international human rights instruments among children. His organization's fundamental concern was to train human beings, citizens and workers to become aware of their rights and obligations. Against that background, what political, economic and humanist functions must be assigned to the school? Should school be seen as a means of achieving social equality? If so, there was a need for an education in civic and ethical issues.

32. But what form should such an education take? School could not teach a universal moral outlook where no such outlook existed in society at large. If it could not teach a moral outlook, could it instead teach children to discuss such an outlook, by dispensing an education in ethics? Such an education surely had a role to play in teaching about the relationship between objective knowledge and individuals' or society's choices. It should aim at helping people to take responsibility for their individual choices in a framework of dialogue with others. School must thus be a forum for dialogue and for the discovery of others, of groups and of society.

33. School had been seen as a means of forming free individuals in society. It was thus necessary to define the factors that militated against and in favour of that freedom. Efforts must be made to define the obstacles to individual freedom that could and should be combated in school. The only way of promoting greater equality of opportunity was to accept the principle that resources in the education system should be allocated to those whose need was greatest. The seeds of democratic principles must be sown in the minds of children, so that they could learn to put them into practice in their social and human relationships, and to understand that human beings had rights and obligations towards one another; that they must listen to one another; that others had the right to disagree; that such disagreement need not result in violent conflict or war; and that problems should be resolved in a spirit of tolerance and through dialogue.

34. His organization was thus training teachers to sow that seed in the minds of children throughout the world. In association with the Ministry of Culture and Education of Lithuania and with financial support from the Council of Europe, it would be holding a first national session to train secondary school teachers and educationalists in the teaching of human rights and peace, to be held in Vilnius from 25 to 29 April 1994. It would also be organizing regional training sessions for French-speaking Africa and the countries of central and eastern Europe during 1994.

35. In conclusion, his organization wished to make two specific recommendations to the Commission. First, Ministries of Education should enable teachers to acquire training in human rights education, inter alia, by facilitating and encouraging their participation in training sessions organized by the International Centre for the Teaching of Human Rights and Peace. Secondly, the Voluntary Fund for Technical Cooperation in the Field of Human Rights should finance projects submitted by non-governmental organizations such as his own, for the drafting, publication and dissemination of educational material on international human rights instruments; and should award scholarships to officials from the Ministries of National Education and to primary, secondary and vocational teachers wishing to acquire training in the teaching of human rights.

36. Ms. BURKE (Women's International League for Peace and Freedom), speaking on the rights of women under agenda item 11, said that the international community had responded with outrage to reports about the systematic use of rape as a means of torture in the former Yugoslavia. It was not enough, however, merely to condemn gender-specific war crimes such as rape, without examining the deeper causes of that violence.

37. The most persistent myth about rape was that it derived from an irrepressible male sexual drive. In fact, rape had little to do with sexuality: rather, it was an extreme act of physical and psychological violence perpetrated by sexual means. Rape was at all times a crime and an injustice against women, but it was particularly so when used as a means of subjugating women and their communities to the will of a superior force. During campaigns of conquest or in the period immediately following a war, rape had been, and in some cases continued to be, considered part of the rules of war. Gender-specific war crimes also served the subsidiary purpose of humiliating enemy males, degrading their masculinity by undermining their mythical role of male protector. Women thus faced the double violation of being raped, then blamed for it by their menfolk and their community. Her organization thus welcomed the decision of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to appoint a Special Rapporteur to undertake an in-depth study on the situation of systematic rape, sexual slavery and slavery-like practices during wartime, including in particular internal armed conflict.

38. If gender-specific war crimes were to be understood and overcome, they must be viewed as an aspect of the creation by the military of a stereotype of masculinity which defined males as brave, competitive aggressors. Militarism created and perpetuated a culture of violence in which the solving of disputes through violent means was acceptable. If violence was condoned in the international sphere, then it would be practised in the personal sphere as

well. Rape was not an aggressive expression of sexuality, but a sexual expression of aggression, and as such, the symptom of a social order that accepted and rewarded violence. A culture that idolized physical strength and aggression devalued women as weak and passive. Everyone in society suffered from the violent culture of militarism, but it must be recognized that there was a specific kind of violence to which women were subjected simply because they were women.

39. If rape was used as a weapon in wartime, what was its function in peacetime? Sexual violence was not a crime of passion; it was an expression of power, a violent means of keeping women in a subordinate position. Violence against women must not be viewed as a domestic issue or as part of the natural order of things, but must be seen as inherent to the patriarchal, exploitative system which perpetuated women's subservient position in society. Discrimination against women and violence against women were inextricably linked and must be examined together. Her organization recommended that programmes addressing the issue of violence against women should be integrated into many areas of the United Nations system, with particular attention paid to gender-specific violence in times of war. United Nations peace keepers should be trained in non-violent conflict resolution, as well as in sensitivity to the problems of women in areas of armed conflict. The proposed United Nations decade for human rights education should give strong consideration to the issue of violence against women, attacking the root causes of that violence.

40. Her organization welcomed the creation of a Focal Point on violence against Women within the Centre for Human Rights. The Centre should be given the resources to carry out its programmes effectively, and Governments should be encouraged to make special contributions to assist it in that cause. While the proposal to establish a special rapporteur on the question of violence against women was to be welcomed, it was not enough for her merely to compile statistics on cases of violence. She must examine the causes of that violence, propose remedies, and develop an educational programme aimed at preventing violence against women. She should be mandated to gather information about the specific forms of violence against women, its causes, and its consequences for the individual and for society as a whole. In that way, her function would improve the lives of women around the world.

41. Mr. ASSOUMA (Togo), speaking on agenda item 11 (b), said that since October 1990 Togo had been caught in a spiral of violence that was ultimately traceable to the fall of the Berlin Wall and the La Baule Declaration on democratization in Africa. The country's progress towards greater freedom, justice, solidarity and unity had been jeopardized by a number of unhappy events, the latest of which was a cross-border incursion by commandos on 5 and 6 January 1994.

42. The judgement of many foreign observers was so biased that it was not easy to assess objectively the situation of human rights in Togo. It was true that the socio-political troubles of the years 1990-1993 had been accompanied by human rights violations, responsibility for which must be shared by all the forces involved. However, the extent and impact of those violations had been exaggerated. At the outset, the Togolese National Human Rights Commission (CNDH) had noted with displeasure that human rights were being used as a stake

in a political game. In pursuit of their cunning strategy, persons or groups of persons in Togo had turned to the international humanitarian organizations, which, believing they were supporting a good cause, had not hesitated to encourage, sponsor and finance them. Those foreign organizations had done considerable harm to Togo through the role they had played in a campaign of disinformation, perpetuating rumours, lies and plots instead of assisting the Togolese people in its progress towards a State governed by the rule of law. The role those persons or groups had played in setting themselves up as democrats and defenders of human rights, while their sole objective had actually been to take power by fair or foul means, had been fatal for Togo.

43. The error committed by analysts and observers of the crisis in Togo had been to suppose that any person denouncing human rights violations was necessarily in possession of the supreme truth. In point of fact, some of those persons had themselves been guilty of grave violations of human dignity, including massacres of the population in the north of the country.

44. The promotion of human rights was a long-term task, on which the western countries themselves had been engaged for more than 200 years. Human rights took on different meanings at different times and in different places, reflecting the political, ideological, cultural, economic and religious concerns of each country and organization. The recent World Conference on Human Rights had shown that all States did not share the same vision of the rights and duties of the citizen. What had been regarded as human rights and individual freedoms in colonial times was now regarded simply as massive and gross violations of human rights resulting from invasion and foreign occupation.

45. The Constitution of the Fourth Togolese Republic, adopted by referendum on 27 September 1992 and promulgated on 14 October 1992, had provided a judicious response to all contemporary humanitarian requirements. The philosophy underlying its drafting had been that the human person was sacred and inviolable. Furthermore, Togo had complied with universally recognized humanitarian standards by ratifying more than 25 international legal instruments. Ratification, however, was not enough: those instruments had also to be applied. For that reason, in Act No. 87-09 of 9 June 1987, the Government had set up a mechanism to deal with human rights problems - the National Human Rights Commission (CNDH), responsible for the promotion, protection and defence of human rights, for recommending to the authorities proposals and texts concerning human rights with a view to their adoption, and for delivering opinions on human rights matters. It had become the safety net for the protection of citizens against abuses by the administration and capricious human rights violations. Many national organizations had commended the activities of the CNDH, which would have a very important role to play during the period of democratization of the country's institutions. With a view to guaranteeing its independence, the Commission had been put on a constitutional footing in articles 156 to 158 of the new Constitution.

46. The four-year term of office of the Commission's original members had expired on 21 October 1991, and no new members had been elected in view of the prevailing socio-political situation. The Government's subsequent silence regarding the legal status of the Commission had led to a period of confusion during which its purpose had been distorted for political ends. With a view

to securing the continuity of the public service the Commission provided, and pending the amendment by the new National Assembly of the law establishing it, on 27 October 1993 the Government had entrusted the Executive Committee of the Commission with the tasks of expediting any cases pending and continuing its activities of promotion, protection and defence of human rights. It was in his capacity as Chairman of that Executive Committee that he now addressed the Commission on Human Rights.

47. At the time of its creation in 1987, the members of the National Human Rights Commission had been elected in accordance with the structure of Togo's one-party system. Under the provisions of the new Constitution, the 1987 law was to be amended to take account of the socio-political pluralism that now prevailed. On behalf of the National Commission he wished to reaffirm its irreversible attachment to the universal principles and standards of human rights. After three years of tumultuous transition, Togo had finally embarked on the era of the Fourth Republic with the holding of legislative elections. The first round of those elections had taken place on 6 February 1994, in an atmosphere of calm. Their success represented a victory for the Togolese people, demonstrating its ability to integrate the rules of democracy in its thoughts and actions. The new outbreaks of violence since 6 February 1994 could do nothing to halt the country's long march towards democracy, and its pursuit of the promotion, protection and defence of the fundamental freedoms to which its people aspired. With the new mandate conferred upon it by the Constitution, the National Commission of Human Rights intended to continue the process of educating the public in their rights and obligations. In accomplishing that task, it counted on the renewed cooperation of all other human rights bodies.

48. Mrs. MARKUS (Libyan Arab Jamahiriya) drew attention to the usefulness of the many and varied publications produced by the Centre for Human Rights, but deplored the fact that the Arabic texts of many such publications came out in such very limited editions that they were soon exhausted. In view of the fact that human rights was a subject of wide interest to many Arabic speakers and research workers she urged the Centre to increase the number of copies of its publications issued in Arabic.

49. Turning to the report of the Secretary-General prepared pursuant to Commission resolution 1993/46 on integrating the rights of women into the human rights mechanisms of the United Nations (E/CN.4/1994/34), she applauded the close cooperation planned with the Commission on the Status of Women and the priority to be given to enabling women to enjoy fully their human rights. She looked forward to implementation of all recommendations for integrating women's human rights into the mainstream of United Nations human rights activities and welcomed the establishment of a Focal Point on women's issues in the Office of the Assistant Secretary-General for Human Rights to deal with all matters relating to the human rights of women. She also welcomed the assistance being given by the Centre for Human Rights in the preparation of the Fourth World Conference on Women to be held in Beijing in 1995.

50. The Libyan Arab Jamahiriya placed great importance on the role of women in society. In the past under colonialist regimes, women in developing countries had been kept in repression and ignorance. Following the

revolution of 1 September 1969, and with the support of its leader, Colonel Mouammar el-Ghaddafi, women in the Libyan Arab Jamahiriya had achieved their freedom and realised their potential. Women in the Libyan Arab Jamahiriya were now to be found as equals in the ranks of diplomats, university lecturers, teachers, medical doctors, workers, soldiers and parliamentarians.

51. The Libyan Arab Jamahiriya had recently established a Secretariat for Women's Affairs, the head of which held ministerial rank. The task of the Secretariat was to promote women's development and integration at all levels of society, to deal with the problems encountered by women and to give assistance and advice to women throughout the country. It had established a committee to take care of preparatory work for the Fourth World Conference On Women, for which a national report would be prepared.

52. Her delegation found the report of the Secretary-General on strengthening of United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity (E/CN.4/1994/41) somewhat brief and was disappointed that little explanation had been given of the precise meaning of the terms non-selectivity, impartiality and objectivity as used in human rights texts in view of the fact that not everyone was absolutely clear as to their import. The Libyan Arab Jamahiriya felt that if honest and impartial methods were used for the consideration of human rights in international bodies it would ensure mutual trust and cooperation in strengthening human rights and fundamental freedoms.

53. The delegation of the Libyan Arab Jamahiriya to the 1993 World Conference on Human Rights had made it clear that discussion of human rights ought not to be based on narrow concepts but should be guided by neutrality and objectivity if the international community was to retain credibility and maintain its determination to protect human rights; recourse to publicity and political pressure merely served the cause of the strong against the weak. International cooperation based on the equal rights of States and non-interference in their internal affairs were fundamental factors in strengthening and protecting human rights. However, it was evident that some developing States were being subjected to concepts of human rights that were biased and used as a means of subjecting them to pressure without reference to their cultural, social and economic differences that might affect such concepts.

54. Mr BOITCHENKO (Russian Federation) said that internally displaced persons (agenda item 11 (d)) had quite recently become a focus of attention of the international community. Tragic events throughout the world were increasing the numbers of such persons and, though the exact dimensions of the phenomenon might be uncertain, no one could remain indifferent to a mass tragedy threatening the freedom and inalienable rights of millions of people.

55. The issues relating to internally displaced persons had been comprehensively covered in the report of the Representative of the Secretary-General (E/CN.4/1994/44). There was a clear need for a United Nations operational unit to provide appropriate assistance and protection to internally displaced persons. There was also need to develop a

set of principles, based on existing international law, to cover their specific situation. The problem of internally displaced persons also covered human rights issues and was very closely related to the provision of humanitarian assistance. The Russian Federation, however, considered that the Representative of the Secretary-General should consider the issue of internally displaced persons from the point of view of the relationship between the sovereignty of States and unimpeded access to humanitarian relief of those in need of it. It would thus be useful if his tasks were to include the drawing up of brief surveys of the countries concerned; a study group might be set up for the purpose to be financed by those countries. The Russian Federation was willing to cooperate closely with the Representative on the subject of internally displaced persons. It applauded and endorsed the efforts of the United Nations High Commissioner for Refugees and other governmental and non-governmental organizations to provide protection and assistance to internally displaced persons.

56. Massive human rights abuses were often the forerunners of conflicts which then led to mass displacement of population. The Russian Federation thus considered that the Commission should strengthen the recommendations it had made in its resolution 1993/70 on human rights and mass exoduses. If all the United Nations bodies referred to in that resolution were to monitor within their spheres of competence situations that might affect human rights and trigger mass movements of population, an early warning mechanism would thus be provided that would pave the way for prompt action.

57. National institutions (agenda item 11 (b)) played an important role in protecting human rights and promoting fundamental freedoms. The First International Workshop on National Institutions for the Promotion and Protection of Human Rights held in Paris in 1991 had given a powerful stimulus to the establishment of such institutions in countries where they had previously not existed and had drawn up principles relating to the status of such institutions that had proved very practical. A National Commission on Human Rights had since been established in the Russian Federation and a post of Ombudsman for human rights established.

58. The practice of regular meetings between representatives of national human rights institutions should be encouraged and supported. Some form of network linking such national institutions together would encourage an exchange of experience and increase the effectiveness of the protection provided for human rights at national level.

59. Turning to agenda item 19, advisory services in the field of human rights, he considered such services essential for the promotion of human rights, the establishment and strengthening of democracy and ensuring the primacy of law. That view was upheld in many Commission resolutions and figured largely in the Vienna Declaration and Plan of Action. By means of such services much had been achieved in Romania and Albania and a solid programme of cooperation developed with Cambodia.

60. In November 1993, the Russian Federation and the United Nations had signed a Memorandum of Intent, which laid the framework for a three-year programme of technical cooperation in the field of human rights. Activities included were advisory services on legislative reform and the establishment of

a national human rights institution, training courses for those working in the field of law, seminars, fellowships and assistance in the publication of a children's book on the Universal Declaration on Human Rights. Interested countries were invited to participate in implementing specific projects contained in the memorandum.

61. Advisory services could be improved by ensuring greater coordination among United Nations and regional bodies when programmes were prepared. Care should be taken to prevent advisory services being used as a substitute for the investigation of human rights abuses. Special attention should be paid to programmes for educating children and young people in human rights. In the case of long term programmes, it could be useful to consider sending representatives of the Centre for Human Rights to coordinate and supervise their preparation at first hand. It would be useful, although not yet part of existing practice at the Centre, to allow nationals of the State concerned to take part in specific projects since that would provide a useful source of information on local conditions. However, improvement of advisory services would ultimately depend on strengthening the Centre's financial and human resources. Human rights at present received only 1 per cent of the total United Nations budget, which was very little in view of the important part human rights played in current world affairs. The Commission should urge New York to take that into account.

62. The Russian Federation shared the views of delegates who believed that adoption of the Vienna Declaration and Plan of Action should not be followed by indifference. The time was ripe for action; he endorsed the Polish proposal that the Commission should develop a human rights agenda.

63. Mr. RHENAN SEGURA (Costa Rica), referring to the section on education and human rights under agenda item 11 (a), said that education, which had a fundamental role to play in promoting human rights, was itself a fundamental right that should be accessible to all. The World Conference on Human Rights had reaffirmed that human rights education was essential for the promotion and achievement of stable and harmonious relations among communities and for fostering mutual understanding, tolerance and peace.

64. However, although human rights education had been on the agenda for a considerable time it had been somewhat neglected. It should be recalled that the Preamble to the Universal Declaration of Human Rights enjoined on every individual and every organ of society to strive by teaching and education to promote respect for the rights and freedoms contained in the Declaration, and that the International Covenant on Economic, Social and Cultural Rights, in its article 13, stated that education should strengthen respect for human rights and fundamental freedoms.

65. Education was a broad field that spanned not only the giving of information and training in skills but also the deepening of understanding of human nature and bringing out its full potential to liberate the human being to the exercise of freedom in responsibility. Human rights education was applicable at all levels of knowledge and at all stages of life, as had been pointed out by Nobel Peace Prize winner René Cassin.

66. Since the time of its first World Congress held on the subject, the United Nations Educational, Scientific and Cultural Organization had also endorsed the need to provide education in human rights. The teaching of human rights was a task for all and everyone. It inculcated tolerance, which was an essential element in the present day world and enabled people to recognize and accept difference in others, to realize that no one had a monopoly of truth or reason and to engage in dialogue. Human rights education placed special emphasis on vulnerable groups that were at risk.

67. General Assembly resolution 48/141 and the Vienna Plan of Action had indicated that the mandate of the High Commissioner for Human Rights was to include the promotion of education programmes. That was an essential task; Costa Rica would be submitting to the Commission in due course a draft resolution aimed at strengthening the relationship between human rights and education and proposing the establishment of a decade for education in human rights, together with the appointment of a special rapporteur on the subject and a plan of action for the proposed decade. It would also be useful for the social summit to be held in 1995 to devote part of its agenda to human rights education.

68. In conclusion, he wished to congratulate the Centre for Human Rights on its very extensive public information activities in the sphere of human rights. The public information campaign soon to be implemented would strengthen and complement the measures proposed for the promotion of education on human rights.

69. Mr. FLORIAN (Peru) said that the indiscriminate violence spawned by terrorism was one of the main challenges confronting the world in its present period of transition. He recalled that a Marxist-Leninist-Maoist terrorist movement, based on the theory of the destruction of the State, under the ideological leadership of Abimael Gurman, had erupted in Peru ten years previously. Terrorism had brought about 21 thousand deaths, the dislocation of economic and social life. Above all, it had posed a serious threat to the continuity and governability of Peru. In 1990 after almost ten years of disastrous struggle had been waged against terrorism, the present Government had embarked on a new anti-terrorist strategy that had proved successful. It had introduced sweeping economic reforms that brought hyperinflation under control and enabled the country to rejoin the international financial community. At the same time, democratic municipal elections had been held throughout the country. Further, a new Constitution had been adopted by popular referendum.

70. In its new approach to combat and overcome terrorism, the Government's aim had been to re-establish State control throughout the country, while at the same time demonstrating complete respect for human rights, as well as showing its ability to deal with the economic crisis and to offer practical solutions to social problems such as extreme poverty, unemployment and security. The contempt for human life displayed by the terrorists, together with the Government's achievements won popular support for the Government, which succeeded in turning the tide and made the eradication of terrorism by 1995 a realistic goal.

71. The Government had also been faced with many complaints concerning human rights abuses that could not be adequately addressed previously; the measures it had taken had significantly reduced their number. The policy implemented by the Government and described by him would continue to be at risk until terrorism was completely eliminated, but Peru wished to describe its experience in order to help the international community to gain an insight into a complex situation which did not conform to conventional models and approaches.

72. Terrorism had taken on new dimensions and characteristics, a growing number of countries was being affected, terrorist attacks were increasing in brutality and impunity had become a problem which the Commission should confront. He therefore urged that there should be no delay in implementing the terms of the Vienna Declaration and General Assembly resolution 48/122. Peru intended to submit once again to the Commission in due course a draft resolution that reflected the consensus achieved in the Vienna Declaration and more recently in the General Assembly condemning the acts of terrorist groups that violated the right to life and violated the most fundamental human rights.

73. Mr. MEGALOKONOMOS (Observer for Greece), speaking on behalf of the European Union, said that the provision of advisory services and technical cooperation in the field of human rights played an essential role in building democracy and preventing violations of human rights. While the European Union attached great importance to the preventive aspect of assistance, it recognized that advisory services were increasingly assuming the task of redressing the consequences of conflicts and helping to re-establish the effective enjoyment of human rights. Such tasks did not, of course, reduce a Government's responsibility for human rights violations and such services did not replace other United Nations monitoring and investigating activities. The European Union encouraged the Assistant Secretary-General for Human Rights to maintain the special attention he had given to such tasks, and looked forward to the role of the High Commissioner for Human Rights in that regard.

74. The World Conference on Human Rights had recommended a substantial increase in resources for human rights from within existing and future regular budgets of the Organization. Advisory services in all human rights fields, including protection of the rights of women and all vulnerable groups, as well as advisory services for electoral assistance and the strengthening of democratic institutions, were available to Governments. In order to keep pace with the ever-growing demand, the programme would clearly have to be expanded either by hiring expert staff on a long-term basis or making use of external expertise and capacity, from other United Nations bodies or non-governmental organizations. In any case, the Centre for Human Rights should carry out its leading role as the provider of assistance in the first instance, assessing the needs in close cooperation with the requesting country and, only after a thorough analysis, drafting a programme and implementing it either itself or through other organizations, within or outside the United Nations system, within the framework of continued dialogue. On the management side, there should be a clear distinction between advisory services under the regular budget and the technical cooperation sponsored by the Voluntary Fund for Technical Cooperation in the Field of Human Rights. While the former was to cover basic activities such as training courses, seminars, fellowships and

scholarships as well as expert services, the latter was intended to provide financial support for international cooperation to develop national and regional institutions and infrastructures for a long-term impact in improved implementation of international conventions and other world standards - in other words, to finance comprehensive assistance programmes to a requesting individual country or region. Despite the marked increase in regular budget provisions for the biennium 1994-95, the situation meant that some activities normally attributable to it would have to be covered by the Voluntary Fund.

75. The appointment of a Board of Trustees for the latter by the Secretary-General was welcome and, it was hoped, would give new impetus to the Fund's project work. Total contributions to it had, after a previous fall, increased considerably in 1993, donors having been encouraged by the establishment of a Board of Trustees. The European Union, one member of which had funded the post of Coordinator of the Fund, urged the Centre for Human Rights to maintain the Fund's momentum through transparency in decision-taking and project management, as called for, in regard to all human rights voluntary funds, in the Vienna Programme of Action. The new Board of Trustees should not only play an important role as a fund-raiser but help in providing Governments with adequate information about the technical cooperation and advisory services programmes available, in providing clear rules on selection and priority-setting, and, as a matter of priority, in establishing efficient and flexible project procedures to speed up programme implementation, evaluation and follow-up.

76. Since no increases in regular budget allocations or voluntary fund contributions would ever provide enough resources, priorities must be clearly set for that purpose. The European Union encouraged the Centre for Human Rights to take account of other development cooperation agencies, within and outside the United Nations system, as well as NGOs whose programmes embraced human rights activities, continuing to redefine its role in the field of technical cooperation and pursuing ever closer cooperation with United Nations agencies, while maintaining its coordinating role, which it was hoped would be developed under the overall supervision of the High Commissioner. Assessment of the Centre's needs was a key to such efforts.

77. Assistance in the field of human rights to States that required it was the best means to protect and promote human rights, democracy and development; the members of the European Union were committed to maintaining their contribution to the work of the Centre for that purpose.

78. Mr. FLINTERMAN (Netherlands) said that the problem of violence against women, which transcended class and culture throughout the world, needed to be addressed in the context of an authoritative international forum. His Government therefore welcomed the General Assembly's adoption of the Declaration on the Elimination of Violence against Women, which spelt out and condemned the mechanisms underlying violence against women, thus constituting an invaluable complement to the Convention on the Elimination of All Forms of Discrimination against Women. But discrimination and violence against women was far from being eliminated. All kinds of deeply instilled cultural and

religious traditions stood in the way; many men, and even some women, resisted the necessary changes in attitude. Leaders of society, therefore, must provide the requisite guidance and education. The Declaration's adoption was a major step in that regard.

79. One important feature was that the Declaration addressed violence in private life as well as in public; "private" practices such as battering, sexual abuse and marital rape were thus no longer beyond the scope of government responsibility. The Declaration, in proposing a range of legislative and other measures of a preventive, remedial and punitive nature, pushed forward the standard of due diligence by Governments in regard to non-governmental perpetrators of human rights violations. Another advance was that, according to the Declaration, States should not invoke custom, tradition or religion in avoiding their relevant obligations; acts of violence against women, such as harmful widowhood rites, dowry debt and female genital mutilation, had often been regarded as culturally-based practices beyond the scope of human rights treaties, thus leaving international organizations unable to act with regard to victims and perpetrators. If Governments were willing to meet the Declaration's norms, means should be given to police, prosecutors and judges to combat such practices, victims should be offered protection and compensation, and comprehensive policies, including educational, social and cultural measures, should be developed to address the persistence of harmful practices.

80. Violence against women was not confined to the private domain. The Commission, at its previous session, had focused attention on the atrocities committed in areas of the former Yugoslavia; systematic rape, sexual slavery and forced pregnancy had been denounced as violations of fundamental principles of international human rights and humanitarian law, and rightly condemned as war crimes. In other parts of the world, too, women had often been the victims of conflict, instability and disaster; likewise, women among minority groups, indigenous populations, refugees and migrants had been especially vulnerable to violence, which States should do their utmost to prevent.

81. It was imperative, therefore, for the international community to seek ways of promoting the Declaration's implementation; a decision, during the Commission's current session, to establish a special rapporteur on violence against women would be a clear step in that direction. A well-qualified woman would seem the most suitable for the task. As to the mandate, the special rapporteur should cooperate closely with existing mechanisms and exchange information with Governments, United Nations bodies concerned with human rights and sex-equality issues, and NGOs, including women's organizations. From such information the special rapporteur could formulate recommendations in order to eliminate violence against women, combat the causes and remedy the consequences. The Secretary-General should ensure that the information the special rapporteur provided to the Commission could be shared by the Commission on the Status of Women. His delegation was not of the view that the mandate should be widened to cover all discrimination against women in general; to widen the mandate would undermine its focus and hamper the rapporteur's effectiveness. But that was not to say that the Commission, in appointing the special rapporteur, should not seek better ways to promote the human rights of women in general.

82. It had been argued that women's human rights were sufficiently covered by existing instruments; and there was a reluctance, especially in times of rationalization, to add to existing instruments and mandates. Likewise, there might be little desire to single out yet another "special" group; but such a description hardly applied to women, who represented over half the world population and probably half of all minorities and vulnerable groups.

83. Although the World Conference on Human Rights had reaffirmed that women's human rights were an inalienable, integral and indivisible part of universal human rights, women's rights were widely violated in everyday life. Many practical steps could be taken, however, for the promotion and protection of women's human rights, the need for which the Commission had rightly voiced in resolution 1993/46. His Government attached particular value to universal ratification of the Convention on the Elimination of All Forms of Discrimination against Women by the year 2000. There should be closer cooperation among human rights treaty bodies, and between the Commission and the Commission on the Status of Women. Governments and United Nations expert bodies should provide data, analysed according to sex, as standard practice. His delegation was concerned that some rapporteurs, experts and working groups of the Commission and Sub-Commission still failed to comply with that request. A compilation report, based on material from rapporteurs and working groups, would help to reveal the status of information.

84. The establishment of a Focal Point within the Centre for Human Rights, as well as a recently promised focal point within the Division for the Advancement of Women, represented a step in the right direction. A strategic vision, and a commitment to coordinated efforts by member States and the Secretariat, were essential in order to integrate women's human rights into the mainstream demands.

85. The Fourth World Conference on Women, to be held in Beijing in 1995, would be an excellent forum for appraisal not only of a first report from the special rapporteur on violence against women, and the Commission's views thereon, but also of progress with regard to the rights of the world's women - an issue which, according to the Vienna Declaration and Programme of Action, should form an important part of the Conference's deliberations.

86. Mr. TYSZKO (Poland) said that the provision of advisory services and technical assistance in the field of human rights was of undeniable importance to all States, not only in safeguarding human rights but in helping to settle disputes related to human rights violations. The relevant programmes should be further strengthened and developed, as advocated in the Programme of Action adopted at the World Conference on Human Rights. They could frame closer cooperation among Governments, intergovernmental organizations and non-governmental organizations, and help to streamline human rights activities within the United Nations system; and they should become a major area of United Nations tasks.

87. The advisory services and technical assistance which should be offered to States were well defined in the Vienna Programme of Action; and the responsibility for their provision was borne by the Centre for Human Rights. In the context of comments about the need to strengthen the Centre in that regard, it was pertinent to draw the attention of the Commission and other

competent bodies to paragraph 9 of the Programme of Action, in which the Secretary-General and the General Assembly were requested to take immediate steps to increase substantially the resources for the human rights programme from within the existing and future regular budgets of the United Nations, and to take urgent steps to seek increased extrabudgetary resources. Lack of resources could lead to unfulfilled promises, which, in the field of human rights, were particularly disappointing.

88. The Centre for Human Rights, through advisory services and technical assistance, had contributed significantly to the development of democracy and the rule of law in central and eastern Europe. His delegation sincerely appreciated the excellent implementation of the United Nations-Polish Project on Cooperation Programmes to Strengthen the National Human Rights Infrastructure in Poland, and looked forward to efficient implementation of the project's second part.

89. Mr. SULAIMAN (Nigeria) said that, since the adoption of the Universal Declaration of Human Rights, the international community had recognized the importance of national institutions as indispensable organs for the promotion and protection of human rights. It remained the responsibility of each State, however, to create such bodies. Nigeria had a number of national institutions for the promotion and protection of the human rights of all, regardless of sex and social status. One was the Public Complaints Commission, established in 1970, a sort of office of Ombudsman, an independent, impartial body which addressed infringements of individual and group rights. A complementary body, the Code of Conduct Bureau, was responsible for investigating allegations of misconduct brought before it by individuals, groups and corporate bodies; it was competent to institute action at law to ensure that justice was done and that individual and collective rights were upheld. Another institution, the Nigeria Law Reform Commission, was charged with reviewing and updating the law to ensure the observance, promotion and protection of the rights of the people in line with international standards. In addition, the National Commission for Women, responsible for the promotion and protection of women's rights, was involved in many activities, including the formulation and implementation of a national programme of action for the development and advancement of women.

90. His delegation thanked the Government of Tunisia for having hosted the Second International Workshop of National Institutions for the Promotion and Protection of Human Rights. With reference to the report of the Workshop, his delegation noted the recommendation that the Commission should take appropriate measures to ensure that the national institutions participated actively, by right and with a specific status, in the work of United Nations human rights bodies. It endorsed a second recommendation calling on the Secretary-General to establish a voluntary fund for national institutions, in accordance with United Nations financial regulations. It also wholeheartedly endorsed the second part of the report, entitled Specific Recommendations, concerning the role of national institutions regarding the protection of disabled persons, children, women and migrant workers. A specific programme should be established in order to ensure that the rights of vulnerable groups and women were protected and promoted.

91. His delegation requested the Secretary-General and the Centre for Human Rights to ensure that the periodic meetings continued, bearing in mind the important role of national institutions in the grass-roots approach to human rights issues; the Centre should also ensure that funds were made available early enough to enable the representatives of national institutions in developing countries to attend the periodic meetings.

92. Mr. HYUN DONG CHO (Republic of Korea) said that there were three issues relating to United Nations activities for the promotion and protection of human rights to which his delegation attached great importance. The first was women's rights, currently a high-priority agenda item. His delegation, a sponsor of Commission resolution 1993/46, welcomed the clear statement, in the Vienna Declaration and Programme of Action, that the equal status of women and the human rights of women should be integrated into the mainstream of United Nations system-wide activity. The status of women varied according to the social and cultural background of each country, including his own, in which, it must be admitted, a traditional patriarchal family system partly remained - although steps were being taken due to the resolute commitment by the Government and women's societies to protect the rights of women in Korea. His delegation likewise welcomed the General Assembly's adoption of the Declaration on the Elimination of Violence Against Women. Such violence had often occurred in the past on a massive and systematic scale, and would continue to occur in the future unless tackled with firm resolution. In that regard, his delegation supported the appointment of a special rapporteur on violence against women.

93. As stipulated in the Vienna Declaration and Programme of Action, regional arrangements played a fundamental role in promoting and protecting human rights. With regard to the Asian and Pacific region, all participants at the United Nations Workshop for the Asia-Pacific Region on Human Rights Issues, held at Jakarta in January 1993, had reiterated that the region was one of rich political, economic, social and cultural diversity. Encouraging progress had already been made at subregional level among a number of countries in establishing regional mechanisms. His Government had decided to host an Asia-Pacific regional meeting in July 1994 to continue discussions on the region's consultative mechanism and other human rights issues of common regional concern. It was confident that the meeting would provide a valuable forum to enable Governments to exchange experiences and strengthen support for the promotion and protection of human rights.

94. His delegation welcomed the appointment of Mr. José Ayala Lasso of Ecuador to the post of High Commissioner for Human Rights, and hoped particularly that his role as coordinator of programmes throughout the United Nations system to promote and protect human rights would be emphasized. It also called for proper assistance and support, including sufficient human and financial resources for the Centre for Human Rights, in order to ensure that United Nations human rights activities were more efficient and effective.

The meeting rose at 10.05 p.m.

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COMMISSION ON HUMAN RIGHTS

Fiftieth session

SUMMARY RECORD OF THE 46th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 1 March 1994, at 10 a.m.

Chairman: Mr. van WULFFTEN PALTHE (Netherlands)

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Statement by the State Minister for Foreign Affairs of the Sudan

Statement by the Minister of State for Foreign Affairs and Cooperation of Burundi

Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to

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achieve these human rights, including: problems related to the right to enjoy an adequate standard of living; foreign debt, economic adjustment policies and their effects on the full enjoyment of human rights and, in particular, on the implementation of the Declaration on the Right to Development:

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Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission:

(a) Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms;

(b) National institutions for the promotion and protection of human rights;

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The meeting was called to order at 10.25 a.m.

STATEMENT BY THE STATE MINISTER FOR FOREIGN AFFAIRS OF THE SUDAN

1. The CHAIRMAN invited the State Minister for Foreign Affairs of the Sudan to address the Commission.

2. Mr. RORIC (Sudan) said that, despite all appearances, world peace was attainable since it was part of the original divine plan. The Commission was the nucleus of the society of nations and had a crucial role to play in promoting human rights and achieving peace. His Government's commitment to promoting human rights had been illustrated by the holding of a Government-sponsored National Dialogue Conference on Human Rights, at Khartoum in 1990. The recommendations formulated by that Conference, focusing on the war situation, had been adopted by the Council of Ministers.

3. Sudan was one of the few countries in the world which had no record of massive and systematic human rights violations. The current situation - brought on by the civil war in the southern Sudan - was a product of the country's colonialist past. For decades, religious and ethnic harmony, in particular between Christians and Muslims, had prevailed in the Sudan. A religious forum for dialogue between Christians and Muslims, in being since the Sudan had gained its independence, was designed to promote religious tolerance. The current problem, therefore, was not religious in nature, but rather a political and cultural difference between south and north which the Government had hoped to resolve by establishing a federal system.

4. The restoration of peace was a priority of his Government, which, as early as 1989, had organized a National Dialogue Conference on Peace. The recommendations put forward by that Conference were serving as guidelines for the peace process in the southern Sudan and formed the basis for the establishment of a new national administrative system. The Government had also begun to implement a plan for the creation of a political system that would be responsive to the country's diverse religious, cultural and ethnic groups.

5. His Government had made a number of overtures to the Sudan people's Liberation Army (SPLA). In 1989, it had sent a delegation to meet representatives of the SPLA at Addis Ababa and had since participated in negotiations at Nairobi mediated by a former President of the United States; at Kampala, under the auspices of a former President of Uganda; and at Abuja, under the auspices of a former President of Nigeria. All those initiatives had been to no avail, owing to interference by certain members of the international community. His delegation thus called on the Commission to urge those parties to refrain from interfering and allow the Sudan to resolve its own problems.

6. None the less, his Government had requested the four presidents of the countries in the Horn of Africa to join the peace effort and to establish guidelines acceptable to all the conflicting parties. That initiative was being led by President Moi of Kenya.

STATEMENT BY THE MINISTER OF STATE FOR FOREIGN AFFAIRS AND COOPERATION OF BURUNDI

7. The CHAIRMAN invited the Minister of State for Foreign Affairs and Cooperation of Burundi to address the Commission.

8. Mr. NGENDAHAYO (Burundi) said that 1993 had been a landmark year in the history of human rights in his country. It had witnessed the democratic election, in June 1993, of a civilian President and a National Assembly. The Sahwanya-Frodebu party (Democratic Front of Burundi), the victor in those elections, had stressed respect for human rights, social justice and democracy. When the newly elected President, Mr. Melchior Ndadaye, had taken office in July 1993, it had been widely believed that Burundi was going to serve as a model of democracy for many African countries.

9. Mr. Ndadaye had been the first Burundi Head of State to admit opposition parties into his Government and to assign responsibility for human rights to a ministry. He had declared a general amnesty, under which 5,000 prisoners, most of them political prisoners or simply innocent of offences, had been released. He had turned Kirundo Prison, in the northern part of the country, into a much-needed secondary school. He had also intended to abolish the death penalty, in the belief that the right to life was the most fundamental of all rights.

10. Unfortunately, in October 1993, Mr. Ndadaye had been brutally assassinated, together with other important leaders of the country, in a coup d'état staged by a portion of the national army. That coup had been followed by unprecedented ethnic and political violence. Tens of thousands of people had lost their lives; many hundreds of thousands had been forced to leave their homes as internally displaced persons and nearly 1 million persons had been exiled to Tanzania, Rwanda and Zaire. The demolition of the public and private infrastructure and shattered the economy and had ripped apart the nation's social fabric.

11. The socio-economic situation of the neighbouring countries that had taken in the refugees from Burundi had also been destabilized. In that connection, he wished to stress that the refugees had not fled from the Government of Burundi but from the damage done by the national army. He wished to thank the Governments of the neighbouring and other friendly countries, the Secretary-General of the United Nations and the Secretary-General of the Organization of African Unity and their representatives for all the support and assistance they had given to his country.

12. Following negotiations, Mr. Cyprien Ntaryamira, a close associate of the late President Ndadaye and a founder member of the Sahwanya-Frodebu party, had been elected President almost unanimously by the National Assembly. Inaugurated in early February, he had established a Government of national unity, in which 40 per cent of the ministerial posts were held by members of the opposition. The new Government's top priority was to put an end to the massacres and restore peace by reviving all the national institutions.

13. An important component of that initiative was building public awareness and education in the field of human rights. To that end, a programme on the culture of tolerance, the sense of justice and democracy would be offered to all strata of the population. The programme, which would reach out to young persons, both in and out of school, and to the adult community, would be supervised by the recently established Ministry of Human Rights and Refugees.

14. An independently-run Centre for the Promotion of Human Rights had been established in order to consolidate the Government's policy. Its aim was to kindle respect for human rights in all the people of Burundi of every walk of life. The construction and consolidation of a new Burundi would require the support of all democratic forces in the country and of the international community, particularly the United Nations Centre for Human Rights.

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING: PROBLEMS RELATED TO THE RIGHT TO ENJOY AN ADEQUATE STANDARD OF LIVING; FOREIGN DEBT, ECONOMIC ADJUSTMENT POLICIES AND THEIR EFFECTS ON THE FULL ENJOYMENT OF HUMAN RIGHTS AND, IN PARTICULAR, ON THE IMPLEMENTATION OF THE DECLARATION ON THE RIGHT TO DEVELOPMENT

(a) POPULAR PARTICIPATION IN ITS VARIOUS FORMS AS AN IMPORTANT FACTOR IN DEVELOPMENT AND IN THE FULL REALIZATION OF ALL HUMAN RIGHTS

(agenda item 7) (continued) (E/CN.4/1994/L.18 and L.22; E/CN.4/1994/2, chapter B, draft decision 9)

Draft resolution on the question of the realization in all countries of economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights (E/CN.4/1994/L.18)

15. Mrs. SANTOS PAIS (Observer for Portugal) said that, after broad consultations, the sponsors, most of whom were members of the Commission, had agreed to incorporate the changes she had read out at the Commission's 42nd meeting. The Malaysian proposal to insert the word "fundamental" before the word "freedoms" in the third preambular paragraph was quite acceptable. However, the sponsors and non-sponsors alike, representing all the regional groups, preferred not to end the paragraph with the word "interrelated", as the representative of Malaysia had proposed.

16. The language which he wished to delete was also, in fact, contained in the draft resolution on human rights and extreme poverty (E/CN.4/1994/L.20), which had been adopted by consensus several days previously, the delegation of Malaysia being part of that consensus. Since 1988, draft resolutions on the current topic had always included the phrase which the Malaysian delegation sought to delete. The same concept had been reaffirmed by consensus by the World Conference on Human Rights, especially within the framework of the right

to development, and was expressed in the tenth preambular paragraph of the Declaration on the Right to Development. For all those reasons, the sponsors insisted on retaining the phrase in question.

17. Mr. GANAPATHY (Malaysia) said that there was nothing sacrosanct about the phrase in the third preambular paragraph which his delegation sought to delete. The fact that a similar phrase appeared in other resolutions did not mean that it had always to be adopted. The observer for Portugal had failed to explain precisely what the phrase meant. It was a cobweb that should be swept away.

18. Mr. VERGNE SABOIA (Brazil) said that, following the consultations, his delegation was prepared to join the consensus on the draft resolution.

19. At the request of the representative of the United States of America, a vote was taken by roll-call on the Malaysian proposal to delete from the third preambular paragraph of the draft resolution the words "and that the promotion and protection of one category of rights should never exempt or excuse States from the promotion and protection of the other rights".

20. Austria, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Malaysia.

Against: Angola, Australia, Austria, Bangladesh, Barbados, Brazil, Bulgaria, Cameroon, Canada, Chile, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Ecuador, Finland, France, Gabon, Germany, Guinea-Bissau, Hungary, Italy, Japan, Mauritania, Mauritius, Mexico, Netherlands, Nigeria, Peru, Poland, Republic of Korea, Romania, Russian Federation, Togo, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Abstaining: China, India, Indonesia, Iran (Islamic Republic of), Kenya, Lesotho, Libyan Arab Jamahiriya, Malawi, Pakistan, Sri Lanka, Sudan, Syrian Arab Republic, Tunisia.

21. The Malaysian amendment was rejected by 39 votes to 1, with 13 abstentions.

22. Mr. SHIRAISHI (Acting Secretary of the Commission) said that the resources required to implement the recommendation contained in operative paragraph 8 of draft resolution E/CN.4/1994/L.18 were estimated at US$ 40,000 for 1994. A statement on the administrative and programme-budget implications of the resolution would be submitted to the Economic and Social Council at its next session, in the context of the Council's review of the report on the fiftieth session of the Commission on Human Rights.

23. At the request of the representative of Malaysia, the vote on the draft resolution was taken by roll-call.

24. Mauritania, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Angola, Australia, Austria, Bangladesh, Barbados, Brazil, Bulgaria, Cameroon, Canada, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Ecuador, Finland, France, Gabon, Germany, Guinea-Bissau, Hungary, India, Indonesia, Iran (Islamic Republic of), Italy, Japan, Kenya, Lesotho, Libyan Arab Jamahiriya, Malawi, Mauritania, Mauritius, Mexico, Netherlands, Nigeria, Pakistan, Peru, Poland, Republic of Korea, Romania, Russian Federation, Sri Lanka, Sudan, Syrian Arab Republic, Togo, Tunisia, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Against: None.

Abstaining: Malaysia.

25. Draft resolution E/CN.4/1994/L.18 was adopted by 52 votes to none, with 1 abstention.

26. The CHAIRMAN said that the adoption of draft resolution E/CN.4/1994/L.18 meant that draft decision 9 on "Human rights and income distribution", recommended by the Sub-Commission, had been superseded.

Draft resolution on the question of trade union rights (E/CN.4/1994/L.22)

27. Mr. WILLIS (Australia) said that consultations were continuing with a number of delegations, and in particular with that of Malaysia, which had proposed a number of amendments to the draft resolution.

28. The CHAIRMAN suggested that the Commission should postpone its consideration of the draft resolution until consultations had led either to a consensus or to an agreement that certain amendments would be put to the vote.

29. It was so decided.

QUESTION OF THE REALIZATION OF THE RIGHT TO DEVELOPMENT (agenda item 8) (continued) (E/CN.4/1994/L.28).

Draft resolution on the right to development (E/CN.4/1994/L.28)

30. Mr. BROTODININGRAT (Indonesia), introducing the draft resolution on behalf of its sponsors, which had been joined by the delegations of Angola, Cameroon, Côte d'Ivoire, Ecuador, Guinea-Bissau, the Libyan Arab Jamahiriya and Peru and the observers for Algeria, Bhutan, Guatemala, Mongolia, Morocco, Senegal, Thailand and Zimbabwe, said that, since the adoption of the resolution on the same subject in 1993, three major events had taken place: the reaffirmation by consensus in the Vienna Declaration of the right to development as a universal and inalienable right and an integral part of

fundamental human rights; the convening of the first meeting of the Working Group on the Right to Development; and the recent appointment of the United Nations High Commissioner for Human Rights.

31. The draft resolution was intended to continue the momentum generated by those important events and he hoped it would receive the widest possible support.

32. There was an error in the French version of operative paragraph 5 (b), where the words "focal unit" had been translated by "un groupe de functionnaires". He asked the secretariat to make the necessary correction.

33. Mr. SHIRAISHI (Acting Secretary of the Commission) said that the resources required to implement the provisions of operative paragraphs 7 and 11 of the draft resolution were estimated at US$ 44,000 for 1994. A statement on the administrative and programme-budget implications would be submitted to the Economic and Social Council at its next session, in the context of the Council's review of the report on the fiftieth session of the Commission on Human Rights.

34. Mrs. FERRARO (United States of America), speaking in explanation of vote before the voting, said that her Government had, a year previously, decided for the first time to accept references to the right to development and to seek a serious dialogue with other Governments on its content and meaning. Her delegation had been encouraged at the World Conference on Human Rights by the response of the international community to that change of policy. At the forty-eighth session of the General Assembly, her delegation had been concerned at the difficulty of keeping up that positive momentum but, after protracted negotiations, a consensus had been reached.

35. Her delegation regretted that the Commission had not held a serious and thought-provoking debate on the issue. It would vote against the draft resolution because its focus was on form rather than substance: the Working Group on the Right to Development was virtually equated with the treaty bodies empowered to give directions to the Centre for Human Rights without going through the Commission and was instructed to invite to its meetings the heads of United Nations bodies and international financial institutions, something that, in the past, had been done only by the Economic and Social Council itself.

36. The attention was on the bureaucracy, and the result would inevitably be a diversion to bureaucratic pursuits of scarce resources that could better be used to protect and promote all human rights in the field, including the right to development.

37. Mr. STEEL (United Kingdom) recalled that the consensus achieved at the World Conference on Human Rights on the right to development, and maintained at the forty-eighth session of the General Assembly, had required a number of countries - including his own - to make significant policy changes. The resulting texts had been fair and balanced. Despite exhaustive consultations, that spirit had not been preserved in the current draft resolution.

38. His delegation could not agree to the establishment of a permanent evaluation mechanism, as foreshadowed in operative paragraph 2, and in fact, took the view that the Commission on Human Rights was already a fully appropriate permanent evaluation mechanism for implementing the right to development. No case had been made for establishing a further body, nor could there be any such case until the Working Group had completed its task.

39. The provision in operative paragraph 6 that the Working Group should involve itself in the creation of a favourable international economic climate raised a host of issues outside the competence of the Commission. It was a totally unsuitable request to address the Working Group.

40. His delegation was thus unable to support the draft resolution.

41. Mr. MARUYAMA (Japan) said that his delegation had welcomed the consensus on the right to development reached at the World Conference on Human Rights and reflected in General Assembly resolution 48/130. However, it would vote against the draft resolution, operative paragraphs 2 and 6 of which it found unacceptable.

42. Mr. BAUM (Germany) said that his delegation would abstain despite its strong commitment to the right to development. It was fully aware of the difficulty of defining and expanding that right and had therefore welcomed the consensus that had emerged at the World Conference on Human Rights and fully supported the activities of the Working Group on the Right to Development.

43. He had reservations concerning two of the paragraphs in the draft resolution. Operative paragraph 2 referred to the establishment of a permanent evaluation mechanism. In his view, before it set up any new mechanisms, the Working Group on the Right to Development should first carry out its mandate, as set forth in Commission resolution 1993/22. Operative paragraph 6 enlarged the mandate of the Working Group, authorizing it to make recommendations on global economic policy. Such a matter did not come within the scope of human rights and should be dealt with elsewhere.

44. That paragraph would have been acceptable if it simply stated that the Commission had taken note of the comments of the Working Group regarding the implementation of the right to development at the national and international levels, with due regard for the needs of the developing countries and for the priority to be given to the special needs of the least developed countries.

45. At the request of the representative of Indonesia, a vote was taken by roll-call on draft resolution E/CN.4/1994/L.28.

46. Hungary, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Angola, Australia, Austria, Bangladesh, Barbados, Brazil, Bulgaria, Cameroon, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Ecuador, France, Gabon, Guinea-Bissau, India, Indonesia, Iran (Islamic Republic of), Kenya, Lesotho, Libyan Arab Jamahiriya, Malawi, Malaysia, Mauritania, Mauritius, Mexico, Nigeria, Pakistan, Peru, Republic of Korea, Romania, Sri Lanka, Sudan, Syrian Arab Republic, Togo, Tunisia, Uruguay, Venezuela

Against: Japan, United Kingdom of Great Britain and Northern Ireland, United States of America

Abstaining: Canada, Finland, Germany, Hungary, Italy, Netherlands, Poland, Russian Federation

47. Draft resolution E/CN.4/1994/L.28 was adopted by 42 votes to 3, with 8 abstentions.

48. Mr. TYSZKO (Poland) said that his delegation had abstained on the draft resolution. While it had tried its best to arrive at a universally acceptable text, that had not been possible. He hoped that, at its next session, the Commission would be able to adopt a resolution on the right to development that was based on the consensus arrived at during the World Conference on Human Rights.

49. Mr. MALGINOV (Russian Federation) said that his delegation had abstained because the text of the resolution changed the orientation and broadened the mandate of the Working Group on the Right to Development. Consequently, it went beyond the scope of the consensus achieved at the World Conference on Human Rights and the Declaration on the Right to Development.

50. Mr. WILLIS (Australia) said that, although his delegation had voted in favour of the draft resolution, it had reservations regarding certain of the paragraphs, namely, the fifth preambular paragraph, which was a forced marriage of different elements from the Vienna Declaration; the reference in operative paragraph 2 to a permanent evaluation mechanism, which tended to prejudge the conclusions of the Working Group on the Right to Development; and operative paragraph 6 which authorized the Working Group to make recommendations on matters well beyond its competence.

51. Ms. KOFLER (Austria) said that her delegation had sponsored earlier resolutions on the right to development. Although it had voted in favour of the resolution just adopted, it nevertheless had reservations concerning operative paragraphs 6 and 2, which should have reflected more closely the language used in General Assembly resolution 48/130.

52. Mr. HYNES (Canada) said that his delegation had abstained on the draft resolution. It was particularly concerned at those elements which suggested

that the Working Group on the Right to Development was on the same footing as the human rights treaty bodies and those which appeared to prejudge the Working Group's deliberations.

53. Mr. GARRETÓN (Chile) said that he failed to see any negative consequences which might arise from establishing a permanent evaluation mechanism to follow up the implementation of the Declaration on the Right to Development, as called for in operative paragraph 2 of the draft resolution.

54. As for operative paragraph 6, the creation of a favourable international climate would serve to promote the right to development in the same way as achieving peace would serve to promote civil and political rights. Any factor which reinforced the right to development would automatically strengthen economic, social and cultural rights, matters which were closely connected to the work of the Commission.

55. The CHAIRMAN pointed out that, under rule 60 of the rules of procedure, sponsors of a draft resolution were not permitted to speak in explanation of vote, either before or after the voting.

56. Mr. MIRCEA (Romania) said that his delegation had voted in favour of the resolution, in view of the links between democracy, development and human rights. It was convinced that the Working Group would eventually find a way to eliminate the obstacles to consensus on that issue.

57. Mr. HALINEN (Finland) said that his delegation had abstained, despite its active interest in matters relating to the right to development. The draft resolution had exceeded the limits of the mandate of the Working Group on the Right to Development and had attempted to prejudge its conclusions.

58. Mr. DAUFRESNE de la CHEVALERIE (France) said that, in accordance with his Government's firm commitment to the right to development, his delegation had voted in favour of the resolution. It recognized in particular that the Working Group on the Right to Development could make a valuable contribution to the realization of that inalienable right. It appreciated the fact that the sponsors had incorporated in the text several changes it had suggested.

59. Mr. SOTIROV (Bulgaria) said that, although his delegation had voted in favour of the resolution, it regretted that the Commission had failed to produce a balanced text acceptable to all. Operative paragraph 2 did not accurately reflect the Working Group's report and prejudged its efforts. Operative paragraph 6 contained elements that were outside the Working Group's competence.

60. The CHAIRMAN said that the Commission had completed item 8 of its agenda.

RIGHTS OF PERSONS BELONGING TO NATIONAL OR ETHNIC, RELIGIOUS AND LINGUISTIC MINORITIES (agenda item 18) (continued) (E/CN.4/1994/L.27/Rev.1)

Draft resolution on the rights of persons belonging to national or ethnic, religious and linguistic minorities (E/CN.4/1994/L.27/Rev.1)

61. Mr. SHIRAISHI (Acting Secretary of the Commission) said that the delegations of Australia, Cyprus and the Russian Federation and the observers for the Czech Republic, Liechtenstein, Slovakia and the Ukraine had become sponsors of the draft resolution.

62. Mr. STROHAL (Austria), introducing the draft resolution on behalf of its sponsors, said that consultations on the draft resolution held during the past week had emphasized the importance of three main aspects: promoting and giving effect to the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities; following up the final report of the Sub-Commission's Special Rapporteur on possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities (E/CN.4/Sub.2/34 and Add.1-4); and strengthening advisory services in that area.

63. The draft resolution thus endorsed the Sub-Commission's decision to entrust the Special Rapporteur with the task of preparing a working paper on the elaboration of a more comprehensive programme for the prevention of discrimination and protection of minorities and called upon the Secretary-General to provide human and financial resources for advisory services and technical assistance relating to minority issues, human rights, and dispute management, resolution and prevention.

64. In the second line of operative paragraph 10, the words "the principles contained in" should be deleted.

65. Mr. CHAKRAVARTI (India) said that, in the fourth line of operative paragraph 8, there should be a comma after the words "human rights".

66. Mr. SHIRAISHI (Acting Secretary of the Commission) said that, according to operative paragraphs 8 and 9 of the draft resolution, the Secretary-General would be required to make available, at the request of the Governments concerned, as part of the programme of advisory services and technical assistance of the Centre for Human Rights, qualified expertise on minority issues and to assist in existing or potential situations involving minorities.

67. The type and extent of such services could not be predicted. It was not possible therefore to determine whether such services could be funded from within the resources available to the Centre for Human Rights, either through the regular budget or from extrabudgetary resources. That would have to be decided at a later stage and, if necessary, resources would have to be sought from the General Assembly.

68. Draft resolution E/CN.4/1994/L.27/Rev.1, as orally revised and corrected, was adopted without a vote.

69. Mr. HALINEN (Finland) said that, although it had joined the consensus, his delegation did have some reservations with regard to the resolution just adopted, the text of which did not reflect any real determination to implement the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. Much more effort in that regard was needed at all levels, not least in the Commission and Sub-Commission. It might thus be appropriate to set up a working group to study the question of minority rights.

70. The CHAIRMAN said that the adoption of draft resolution E/CN.4/1994/L.27/Rev.1 meant that draft decision 10 on "Protection of minorities", recommended by the Sub-Commission, had been superseded. The Commission had thus completed item 18 of its agenda.

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION:

(a) ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS;

(b) NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS;

(c) COORDINATING ROLE OF THE CENTRE FOR HUMAN RIGHTS WITHIN THE UNITED NATIONS BODIES AND MACHINERY DEALING WITH THE PROMOTION AND PROTECTION OF HUMAN RIGHTS;

(d) HUMAN RIGHTS, MASS EXODUSES AND DISPLACED PERSONS;

(e) INTERNATIONAL YEAR OF THE FAMILY

(agenda item 11) (continued) (E/CN.4/1994/34, 35, 36 and Add.1, 37, 38, 39 and Corr.1, 40-42, 43 and Add.1, 44 and Add.1, 45 and 74; E/CN.4/1994/NGO/2-4 and 38; A/48/579)

ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS (agenda item 19) (continued)

(E/CN.4/1994/73 and Add.1, 75, 76 and Add.1, 77 and Add.1, 78 and Add.1, 109; A/CONF.157/23)

71. Ms. ASLAM (Pakistan) said she supported the views expressed by the Secretary-General of the Fourth World Conference on Women, that the international agenda for women had evolved from issues of equality and development in the 1970s and 1980s through the application of a gender perspective to global, regional and national issues in the 1990s. That perspective needed to be understood clearly and incorporated into all decision-making mechanisms, particularly in the developing countries, where women constituted the most marginalized group of society.

72. Practical steps had to be taken to promote women to positions of power in all walks of life, to eliminate gross violations of their human rights and to promote consciousness among men and women of their responsibility with regard to the values of equality for women. It must be admitted that the

United Nations response and the various action programmes conceived by the international community over the past four decades aimed at the empowerment of women had been tardy and half-hearted.

73. The run-up to the Fourth World Conference on Women, to be held in Beijing in 1995, would constitute an historic opportunity for evolving a platform for action to recommend specific measures for equality and development. The success of the Conference and its impact on the global agenda into the coming century would largely depend on the quality of the preparatory process, which required coordinated action at the national, regional and international levels. The Secretariat would have a pivotal role to play in that process. Preparations at the national level were equally important, in particular the establishment of national committees or focal points to organize and coordinate national activities and create public awareness of the Conference.

74. Her delegation had participated actively in the meeting of the inter-sessional Working Group held in New York in January 1994 to draft the platform for action. In consultation with like-minded delegations, it had made many substantive proposals to remove the causes of the economic deprivation of women, which was at the root of their backwardness and relegation to second-class citizenship.

75. Women and children were most vulnerable to the adverse consequences of structural adjustment policies being carried out in the developing countries. Concerted action was needed to increase the involvement of women in economic decision-making, guarantee equal employment opportunities, develop services to assist them in child care and establish assistance programmes for women living in abject poverty.

76. In an age of so-called enlightenment, it was horrifying to see Fascists using rape and sexual abuse as an instrument of war not only in Bosnia and Herzegovina but in many other parts of the world. That situation called for condemnation by the world community. During the inter-sessional Meeting, it had been suggested that clear recommendations prohibiting that abominable practice should be included in the Programme of Action.

77. Her delegation noted with satisfaction that an International Tribunal had been set up to prosecute war criminals responsible for atrocities in the former Yugoslavia. It hoped that the Tribunal would give due priority to the cases of rape committed in Bosnia and Herzegovina.

78. Her Government welcomed the Declaration on the Elimination of Violence against Women adopted by the General Assembly and hoped that it would enable the international community to take decisive action against prostitution and trafficking in women.

79. Acts of violence committed against women migrant workers were a great cause of serious concern and the countries of origin and employment should evolve adequate legal frameworks to protect the rights of those women.

80. Her delegation looked forward to participating in the forthcoming session of the Commission on the Status of Women, which would provide another opportunity to formulate policy measures for inclusion in the platform of action.

81. Her Government was fully committed to the political, socio-economic and cultural advancement of women. A new approach was being explored to create a suitable environment in her country for ensuring equality of opportunity. Women's programmes in various sectors were being implemented by the Ministry for Women's Development. The Prime Minister had decided to reserve 25 special seats for women in the National Assembly and to create an additional 5 per cent representation for women in all services.

82. National resources had been mobilized for those programmes but her Government also required international support to accelerate the process and provide a dignified life for women in Pakistan.

83. Mr. FERNANDEZ de CORDOBA (Ecuador) said that his Government attached great importance to the rights of women and to the need to ensure effective equality between the sexes. The standards adopted so far forbade discrimination on grounds of sex but that was not sufficient. Violence against women was extensive. In almost all parts of the world, women were subjected to torture, prostitution and exploitation. They were subjected to individual violence and, what was even more serious, to collective and social violence.

84. The unequal treatment of women began in the family and continued at all levels of society. That discrimination had become institutionalized in the political, economic and social spheres. Furthermore, violence against women frequently originated in the family circle, a situation which the law was unable to deal with. The family, the central nucleus of society, was where men and women learned to live together. However, in many families, the woman had a lower role. Despite the legal and procedural achievements of recent years, women still continued to be subjected to sex-based discrimination and violence.

85. It was therefore necessary to strengthen the machinery to protect and enforce women's rights. At the World Conference on Human Rights, his delegation had thus supported the appointment of a special rapporteur on violence against women, as part of the search for a solution to that problem. As stated in the Vienna Declaration, it should be a priority for all Governments to ensure the women's full enjoyment of all human rights in conditions of equality and, in particular, to prevent violence against women.

86. In view of the imminence of the Fourth World Conference on Women, the preparatory process must begin as soon as possible if the proposed objectives were to be achieved. His delegation was thus co-sponsoring the Canadian draft resolution on "The integration of the rights of women in the human rights mechanisms of the United Nations". It also attached great importance to the future work of the High Commissioner for Human Rights in terms of removing the obstacles preventing the human rights of women from being fully respected.

87. Mr. BAUM (Germany) said that his delegation welcomed the creation of the post of High Commissioner for Human Rights, which constituted an important step towards the advancement of human rights. The realization of human rights was one of the main purposes of the United Nations Charter, a goal which the Organization had not yet achieved.

88. The World Conference on Human Rights had created an impressive range of areas of activity and goals. While many of them were complex and ambitious, those tasks were vital to achieving real progress in improving human rights protection worldwide. However, the taking of specific action required a solid financial basis and, in that connection, it would be recalled that article II A 9 of the Vienna Declaration and Programme of Action requested the Secretary-General and the General Assembly to take immediate steps to increase substantially the resources of the human rights programme from within the existing and future regular budgets of the United Nations.

89. Unfortunately, at its most recent session, the General Assembly had failed to take such steps. Although the recommendations of the World Conference on Human Rights had been endorsed, only US$ 1.2 million had been authorized to cover the additional requirements for the biennial budget, an amount which was wholly inadequate in view of the Centre for Human Rights' identified requirements of $39 million.

90. His delegation therefore called on the members of the Commission and the Secretary-General to see to it that the share of the United Nations budget earmarked for human rights activities - currently a meagre 1.4 per cent - was appropriately increased in the current budget and in the estimates for the coming year.

91. Mr. STROHAL (Austria) said that the Vienna Declaration and Programme of Action was a landmark in the context of the United Nations obligation to advance human rights standards and instruments. The international community had not only taken stock of the achievements in the human rights system but had also focused on broadening the accession by Member States to international instruments.

92. The World Conference on Human Rights had strongly recommended a comprehensive programme to ensure that the universally accepted standards were brought to all peoples thus enhancing their effective enjoyment of human rights and fundamental freedoms. His delegation was convinced that such a comprehensive programme, which should involve all the actors in the field, could lead to an action-oriented and integrated approach.

93. In many cases throughout the world, an analysis of human rights situations tended to show that, even where Governments were committed to fulfilling their obligations under the relevant international instruments, those rights and fundamental freedoms could still be threatened by a number of factors: inadequate training and independence of judges and lawyers and ignorance, particularly among law-enforcement officers, prison staff and the military, of the established universal standards. There was obviously a close link between the quality of the administration of justice and the effectiveness of the protection of human rights.

94. His delegation acknowledged that a great number of Governments were endeavouring to close the gap between the realities in their countries and the universal standards. The system of advisory services and technical assistance could provide effective help to Governments so that they could reach that goal more speedily. Cooperation and dialogue, important principles in the field of human rights, were expressed in the concept of advisory services. Those services were instruments complementary to the highlighting of certain human rights violations. They were instruments of encouragement, aimed at harvesting the fruits of cooperation for the improved enjoyment of human rights in the countries concerned.

95. His delegation was pleased to see that the current report of the Secretary-General on the subject (E/CN.4/1994/76 and Add.1) reflected a further consolidation of the United Nations system of advisory services as well as a marked increase in the demand for such services and in the interest of Governments in cooperating in that field. It also welcomed and supported the interest shown in the establishment of field offices.

96. The growing demand for advisory services and technical assistance was placing additional burdens on the Centre for Human Rights and its partners within the United Nations system. Further improvement of cooperation mechanisms, as indicated in the report, could certainly help. The recent establishment of a Board of Trustees for the Voluntary Fund for Technical Cooperation in the Field of Human Rights was an important step forward towards enhanced efficiency of that promising programme. The number of ongoing and planned activities and the continued work within specific mandates reflected the wide scope of the Centre's activities and presaged intensive work to come.

97. Growing demand was competing for limited resources and capacities, while other international organizations and bilateral cooperation programmes were increasingly active with regard to human rights projects. Those developments led his delegation to make the following suggestions for optimizing the Centre's role. First of all, it recommended the establishment of clearer priorities, taking into account the relationship between demand and resources. Secondly, it would appreciate even closer attention being paid to the recommendations of the treaty bodies and the Commission's mechanisms. Thirdly, it looked forward to specific strengthening of cooperation programmes so as to improve the capacity of the international human rights system to prevent violations of human rights.

98. The activities of the advisory services, whether financed from the regular budget or, from the Voluntary Fund, had to achieve a new quality and a new dimension. With the assumption of his functions by the High Commissioner for Human Rights, the beginning of work by the Board of Trustees of the Voluntary Fund and the recent restructuring within the Secretariat, the necessary infrastructure was in place. The Vienna Declaration and Programme of Action recommended regular information meetings. In his opinion, such meetings were essential and could bring together Member States, intergovernmental organizations and non-governmental organizations under the auspices of the Centre for Human Rights and the High Commissioner. With such meetings, it should be possible to follow up the three basic objectives and to bring demand and supply closer together.

99. The meetings could begin by concentrating on general areas such as legislation, independence of the judiciary or the administration of justice. At a later stage, a meeting might well focus more precisely on the specific needs of a given country or group of countries. His delegation hoped that its proposal could be followed up with the Centre for Human Rights and all interested Governments in order to implement the far-reaching proposals made at Vienna.

The meeting rose at 12.55 p.m.